

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

MICHAEL LEE MCLEOD, #1314580,

Petitioner,

v.

ACTION NO. 2:13cv340

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a *pro se* petition, pursuant to 28 U.S.C. § 2254. ECF No. 1. The Petition alleges violation of federal rights pertaining to Petitioner's convictions in the Circuit Court for the City of Norfolk for cruelty to animals, discharging a firearm in a public place, and failure to appear. As a result of the convictions, Petitioner was sentenced on August 6, 2010, to serve ten years and twelve months in the Virginia penal system with five years and twelve months suspended.

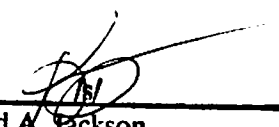
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed March 7, 2014, recommends dismissal of the petition. ECF No. 15. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On March 19, 2014, the Court received Petitioner's Objections to the Report and Recommendation. ECF No. 16.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that the petition (ECF No. 1) be DENIED, Petitioner's Motion to Vacate (ECF No. 2) be DENIED, Respondent's Motion to Dismiss (ECF No. 7) be GRANTED, Petitioner's Motion for Summary Judgment (ECF No. 11) be DENIED, and Petitioner's claims be DISMISSED WITH PREJUDICE. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.



Raymond A. Jackson
United States District Judge
Raymond A. Jackson
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 27, 2014